**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU**

**THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929**

**CRL.A.No. 948 of 2001(C)**
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**CC.148/1998 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES),PUNALUR .**

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**APPELLANT: COMPLAINANT**
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**FOREST RANGE OFFICER, REP.BY**
**PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA.**

**BY PUBLIC PROSECUTOR**

**RESPONDENTS: ACCUSED**
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1. **THABODANAN PILLAI, S/O. PAPPU PILLAI,**
   **ANIL VILASOM, CHARIPARAMB,**
   **ETTIVA VILLAGE, KOTTARAKKARA TALUK.**

2. **KUMAR, S/O.SASIDHARAN PILLAI,**
   **SRIKANTH BHAVAN, ETTIVA VILLAGE,**
   **KOTTARAKKARA TALUK.**

3. **GANGADHARAN PILLAI, S/O. PANCHAN PILLAI,**
   **CHARIPARAMBIL BINU BHAVAN,**
   **ETTIVA VILLAGE, KOTTARAKKARA TALUK.**

4. **MANIYAN PILLAI, S/O.RAMAN PILLAI,**
   **CHARIPARAMB RAJANI VILASOM, ETTIVA VILLAGE, KOTTARAKKARA TALUK.**

**BY ADV. SRI.K.V.VINODKUMAR,**
**SRI.S.RAJEEV**
**BY PUBLIC PROSECUTOR SRI.AMJAD ALI**

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.R.UDAYABHANU, J**

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Crl.A.No.948 of 2001

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Dated this the 19th day of July, 2007

## JUDGMENT

The State is the appellant and order challenged is the one in C.C.No.148/1998 with respect to the offence under Section 27(1)(d)(e)(iii) & (iv) of the Kerala Forest Act which ended in the acquittal of the accused. I find that the observation of the court below that no independent witnesses has been examined and Ext. P3 notification did not specifically mention about the bamboo plantation, appears not proper. All the same considering the fact that the loss caused to the Government is only Rs.500/- and that the incident is dated 25.2.1996, I find that it would not be appropriate to remit the matter to the court below.

The appeal is dismissed.

**K.R.UDAYABHANU,**
**JUDGE**

csl